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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
10

11 CATHERINE M. HERZOG, as an individual  
and on behalf of all others similarly situated,,  
12

13 Plaintiff,  
14

15 vs.  
16

DEAN FOOD COMPANY, a Delaware  
15 corporation, and VENTURA FOODS, LLC, a  
Delaware limited liability company,,  
16

17 Defendants.  
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CASE NO. 07 CV0037 JLS (NLS)

The Hon. Janis L. Sammartino,  
Courtroom 6

**NOTICE OF RULING AT STATUS  
CONFERENCE OF FEBRUARY 8, 2008**

Complaint Filed: January 4, 2007

19 TO ALL PARTIES AND THEIR COUNSEL OR RECORD:

20 PLEASE TAKE NOTICE that a status conference in the above-captioned  
21 matter was held at 10:30 a.m. on February 8, 2008, before the Hon. Janis L.  
22 Sammartino. Harold M. Hewell appeared on behalf of Plaintiff Catherine M.  
23 Herzog, Adam Friedenbergh of Glynn & Finley, LLP appeared on behalf of  
24 Defendant Dean Foods, Inc. and Jia-Ming Shang of McGuireWoods, LLP appeared  
25 on behalf of Defendant Ventura Foods, LLC. All appearances by counsel were via  
26 telephone.

27 Upon the agreement of all parties, the stay in the above-captioned matter of  
28 all matters and proceedings was continued to April 15, 2008.

1       Upon the agreement of all parties, Defendants' Motion to Dismiss Plaintiff's  
2 First Amended Complaint was taken off calendar without prejudice to Defendants  
3 Dean Foods, Inc. or Ventura Foods, LLC. Either Dean Foods, Inc. or Ventura  
4 Foods, LLC, or both, may refile the Motion to Dismiss Plaintiff's First Amended  
5 Complaint at a later date.

6       Attached hereto and served herewith is a true and correct copy of the court's  
7 Notice of Electronic Filing and minute entry sent February 8, 2008 after the status  
8 conference.

9  
10 DATED: February 8, 2008

Respectfully submitted,

11 MCGUIREWOODS LLP

12  
13 By: 

14       Darrel C. Menthe  
15       Attorneys for Defendant VENTURA FOODS,  
16       LLC  
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**Finley, Christie E.**

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**From:** Shang, Jia-Ming  
**Sent:** Friday, February 08, 2008 11:42 AM  
**To:** Finley, Christie E.  
**Subject:** FW: Activity in Case 3:07-cv-00037-JLS-NLS Herzog v. Dean Food Company et al Order on Motion to Dismiss

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**From:** efile\_information@casd.uscourts.gov[SMTP:EFILE\_INFORMATION@CASD.USCOURTS.GOV]  
**Sent:** Friday, February 08, 2008 11:41:15 AM  
**To:** casd.uscourts.gov@casd.uscourts.gov  
**Subject:** Activity in Case 3:07-cv-00037-JLS-NLS Herzog v. Dean Food Company et al Order on Motion to Dismiss  
**Auto forwarded by a Rule**

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**U.S. District Court**

**Southern District of California**

**Notice of Electronic Filing**

The following transaction was entered on 2/8/2008 at 11:41 AM PST and filed on 2/8/2008

**Case Name:** Herzog v. Dean Food Company et al

**Case Number:** 3:07-cv-37

**Filer:**

**Document Number:** 24(No document attached)

**Docket Text:**

Minute Entry for Proceedings held before Judge Janis L. Sammartino : Telephonic Status Conference held. Joint Oral Motion to Extend Stay to 4/15/08 pending decision from Los Angeles Superior Court Case is granted. Joint Oral Motion to Dismiss w/out prejudice the Motion to Dismiss 1st Amended Complaint [16] is granted; Court denies as moot the Motion to Dismiss 1st Amended Complaint [16] (Court Reporter Melinda Setterman / CRD A Ramos / Plaintiff Attorney Harold M. Hewell / Defendant Attorney Jia-Ming Shang) (acr)

**3:07-cv-37 Notice has been electronically mailed to:**

Sidney K Kanazawa skanazawa@mcguirewoods.com, cselmer@mcguirewoods.com

Harold M Hewell hmhewell@hewell-lawfirm.com, hmhewell@yahoo.com

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Jia-Ming Shang jshang@mcguirewoods.com

2/8/2008

**3:07-cv-37 Notice has been delivered by other means to:**

2/8/2008



**PROOF OF SERVICE****STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

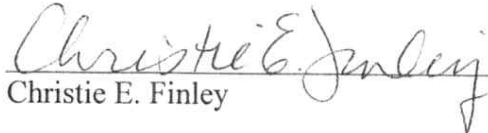
I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1800 Century Park East, 8th Floor, Los Angeles, California 90067. On February 8, 2008, I served the following document(s) described as **NOTICE OF FILING AT STATUS CONFERENCE OF FEBRUARY 8, 2008** on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

**SEE ATTACHED LIST**

- ☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such envelope(s) were placed for collection and mailing with postage thereon fully prepaid at Los Angeles, California, on that same day following ordinary business practices. (C.C.P. § 1013 (a) and 1013a(3))
- ☐ **BY FACSIMILE:** At approximately \_\_\_\_\_, I caused said document(s) to be transmitted by facsimile pursuant to Rule 2008 of the California Rules of Court. The telephone number of the sending facsimile machine was (310) 315-8210. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list. The document was transmitted by facsimile transmission, and the sending facsimile machine properly issued a transmission report confirming that the transmission was complete and without error.
- ☐ **BY EXPRESS MAIL:** I deposited such document(s) in a box or other facility regularly maintained by the United States Postal Service, in an envelope or package designated by the United States Postal Service with delivery fees paid or provided for, addressed to the person(s) served hereunder. (C.C.P. § 1013(d)(e))
- ☐ **BY HAND DELIVERY:** I delivered such envelope(s) by hand to the office of the addressee(s). (C.C.P. § 1011(a)(b))
- ☐ **BY PERSONAL SERVICE:** I personally delivered such envelope(s) to the addressee(s). (C.C.P. § 1011)

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on February 8, 2008, at Los Angeles, California.

  
Christie E. Finley

SERVICE LIST

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